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Filing date: **09/27/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92052684
Party	Plaintiff Natural Supplements and Remedies, Inc., d/b/a Vitanergy
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Submission	Motion to Extend
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Signature	/Francisco J. Ferreiro/
Date	09/27/2010
Attachments	Motion for Extension of Time to Answer Counterclaims.pdf (2 pages)(21936 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Registration No. 3,237,960
For the mark "VITAENERGY"

_____)	
NATURAL SUPPLEMENTS AND)	
REMEDIES, INC. d/b/a VITANERGY,)	
a Florida Corporation,)	
)	
Petitioner,)	
)	
vs.)	Cancellation No. 92052684
)	
NUTRISCIENCE CORPORATION,)	
a California Corporation,)	
)	
Registrant.)	
_____)	

MOTION FOR EXTENSION OF TIME TO ANSWER COUNTERCLAIMS

Petitioner hereby moves for an extension of time, pursuant to Fed.R.Civ.P. 6(b) and TBMP §509.01(a), to answer counterclaims plead by Registrant that are not the subject of Petitioner's Motion to Dismiss and to Strike.

Specifically, following Registrant's filing of three counterclaims, Petitioner moved to dismiss Registrant's Third Counterclaim and to strike several immaterial allegations made in Registrant's Second Counterclaim. The Petitioner requests that the Board grant it an extension of time to answer the remaining counterclaims, said answer to be filed within forty (40) days of the resolution of the pending Motion to Strike and Motion to Dismiss. This motion is based on good cause, because the operative allegations requiring a response will not be determined until the Board decides the Petitioner's Partial Motion to Dismiss and Motion to Strike. No party will be prejudiced by the relief sought herein, given the infancy of this proceeding.

Respectfully submitted,

Dated: September 27, 2010

By: /Francisco J. Ferreiro/
John Cyril Malloy, III
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CERTIFICATE OF FILING

I HEREBY CERTIFY that the foregoing Motion for Extension of Time was filed electronically via the ESTTA, at the United States Patent and Trademark Office, Trademark Trial and Appeal Board's ESTTA electronic filing system, on September 27, 2010.

By: /Francisco J. Ferreiro/
Francisco J. Ferreiro
Florida Bar No. 37,464

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 27, 2010, a true and complete copy of the foregoing Motion for Extension of Time was served by U.S. Mail on the following:

Kurt Koenig, Esq.
Koenig & Associates
920 Garden Street, Suite A
Santa Barbara, CA 93101

Respectfully submitted,

By: /Francisco J. Ferreiro/
Francisco J. Ferreiro
Florida Bar No. 37,464